

AMENDED IN ASSEMBLY APRIL 2, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 454**

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**Introduced by Assembly Member Dickinson**

February 19, 2013

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An act to add Section 4460 to the Labor Code, relating to workers' compensation.

LEGISLATIVE COUNSEL'S DIGEST

AB 454, as amended, Dickinson. Workers' compensation benefits: prevailing wages.

Existing law establishes a workers' compensation system, administered by the Administrative Director of the Division of Workers' Compensation, to compensate an employee for injuries sustained in the course of his or her employment. Existing law provides certain methods for determining workers' compensation benefits payable to a worker for purposes of temporary disability, temporary total disability, permanent total disability, and permanent partial disability.

This bill would provide that, for purposes of determining those benefits, the amount of benefits for a worker who is injured while performing work under a contract requiring a federal, state, county, city, or city and county prevailing wage requirement *and who was paid a wage below the applicable prevailing wage for that work* shall be ~~based on the average weekly earnings for prevailing wage contracts in the area if the worker received less than the prevailing wage calculated using the applicable prevailing wage, and not the actual wages paid.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 4460 is added to the Labor Code, to read:  
2     4460. Notwithstanding any other law, for purposes of  
3     determining benefits under Sections 4453, 4650, 4653, and 4658,  
4     the amount of benefits for a worker who is injured while  
5     performing work under a contract requiring a federal, state, county,  
6     city, or city and county prevailing wage requirement *and who was*  
7     *paid a wage below the applicable prevailing wage for that work*  
8     ~~shall be based on the average weekly earnings for prevailing wage~~  
9     ~~contracts in the area if the worker received less than the prevailing~~  
10    ~~wage calculated using the applicable prevailing wage, and not the~~  
11    *actual wages paid.*